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In re application of

Ihor W. Tarnawskyj et al.

Serial No.09/833,965

Filed: April 11, 2001

For: CONDUCTIVE CARBON FILLED
POLYVINYL BUTYRAL ADHESIVE

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:
: DECISION ON
: PETITION

This is a response to the REQUEST TO WITHDRAW NOTICE OF ABANDONMENT originally filed April 19, 2004. The request asks that the abandonment, as set forth in the Notice of Abandonment of March 25, 2004, for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance be withdrawn. The requester asserts that a timely response was filed by facsimile transmission on December 11, 2003 (A copy of the papers originally filed December 11, 2003 and a copy of the Auto-Reply Facsimile Transmission indicating receipt of the facsimile transmission at the USPTO is attached to the instant petition).

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on December 11, 2003 by facsimile transmission as evidenced by the copy of the Auto-Reply Facsimile Transmission report provided with the instant petition which indicates the successful transmission, to a USPTO facsimile telephone number (703-872-9306), of 1 page. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely pay the issue fee is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to Publications for processing the papers originally filed December 11, 2003.

The Petition is **GRANTED**.

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